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H – 1030

International Court of Justice

H1030 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNA L PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

3 July 1946

COMMISSIONER:

Capt. Joseph Tubridy

POLITICAL ORGANIZATIONS

(The Commission convened at 1430 hours.)

JOHANN ADAM MOHR, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

The witness will be reminded that he is still under oath.

DR. LINK: The witness has already been sworn and the whole interrogation is finished.

COL. GRIFFITH-JONES: Dr. Link said that I might have this witness back for further cross examination because during his last examination the document which I wanted to present to him was not available.

CROSS EXAMINATION CONTINUED

BY COL. GRIFFITH-JONES:

Q. Because it dealt particularly with the evidence that had been given I thought it would be better to hear more now. Did you say when you were giving evidence before the Commission the other day that the foreign labor was treated in just the same way as German workers?

A. I have stated that in the majority of cases foreign labor was treated very decently, similar to the treatment of the German worker.

Q. I want you to look at a document. It is EC-68, US 205. I want you to follow me for a moment. That is a document dated 6 March 1941 from the Minister

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for Finance and Economy of Baden. Is that an office of the Gau or is that a state office?

A. That is a state office.

Q. Under that it is State Food Office Dept. A. and then in brackets Landesbauernschaft, what is that?

A. That is the organization which is for the Landesbauernschaft of the Reich Food Estate, in Baden.

Q . Is that a party organization, the Landesbauernschaft?

A. No, that is a corporation of Public Law.

Q. The letter goes to the Kreisbauernschaften?

A. Yes.

Q. That would be the Kreis peasant leader, wouldn't it?

A. Yes, that is the last of the Reich Food Estate, which has the Administrative apparatus.

Q. The Kreisbauernsfuehrer is the officer in the Department of the Kreisleitung?

A. No, only in certain things did he fulfill the function as the Kreis agricultural expert.

Q. Would the Kreis agricultural expert be a different person than the Kreisbauernfuehrer?

A. I explained previously that it is not always the same person.

Q. Sometimes it is the same person?

A. Yes sir.

Q. Whether or not it is the same, a person who is an expert on peasant matters would be informed of directives sent to the Kreisbauernschaften?

A. I do not quite understand the question.

Q. The Kreisbauernfuehrer on the Kreis staff would be informed of the

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directives that were issued to the Peasants Association Kreisbauernschaften, wouldn't he?

A. The Kreis peasant leader was not a member of the Kreis staff.

Q. But there was somebody on the Kreis staff who dealt with peasant matters?

A. Yes.

Q. Who was that?

A. That differed greatly as I explained previously.

Q. Perhaps you can say again who in fact would be on the Kreis staff who dealt with the Peasants Association?

A. The Kreisbauernfuehrer took care of matters pertaining to the Kreisbauernschaften. He was appointed by the Landesbauernschaft leader not by the Kreis lea der.

Q. But I want to know who it was on the Kreis leader's staff who dealt with matters affecting the Kreisbauernschaften?

A. Up to 1942 it was the agricultural Kreis ~~xxxxxx~~ expert.

Q. Is that the agrarpolitische apparat Baden?

A. Yes.

Q. And after 1942.

A. The AMT Fuer Landvolk.

Q. I am much obliged I think we have that now. This is a directive which you will see on the treatment of foreign farm workers. We will read it together. You see the letter starts: "The agencies of the Reich Food Administration (Reichsnaehrstand) - State Peasant Association of Baden have received the result of the negotiations with the Higher SS and Police Officer in Stuttgart on 14 February 1941, with great satisfaction. Appropriate memoranda have already been

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turned over to the District Peasants Associations." Now, those negotiations would they have been carried on with the Gau leader?

A. I do not know, that does not belong to my official duties.

Q. I thought you might be able to tell us?

A. I do not know.

Q. Then the letter goes on to say: "Below, I promulgate the individual regulations, as they have been laid down during the conference and how they are now to be applied accordingly:". The Agrarpolitische Gau leader on the Kreis Leader's staff would no doubt have been familiar with those memoranda issued to the District Peasant Association?

A. I do not know, it depends upon the distribution.

Q. I thought we had cleared it up, the agrarpolitische apparat who was expert on the Kreis staff for the affairs of the Kreis bauernschaften would keep himself familiar with directives which concerned the Kreisbauernschaften?

A. No, he was not the superior of the Landesbauernschaft.

Q. I think we are misunderstanding ourselves, I was not suggesting he was the superior; but as the Kreis leader agricultural expert on those matters he would be familiar with directives which concerned the Kreisbauernschaften?

A. That might be assumed, but he had no official authority.

Q. I appreciate that, he was the expert. The adviser of the Kreis Landesbauernschaft on matters pertaining to the Kreisbauernschaften. You will see that these directive refers also to farm workers as men. I'll read it again: "Below, I promulgate the individual regulations, as they have been laid down during the conference and how they are now to be applied accordingly: 1. Fundamentally, farmworkers of Polish nationality no longer have the right to complain, and thus no complaints may be accepted any more by any official agency." That means doesn't it that they can be treated just as the employer likes and can never complain?

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A. I have had a lot to do with Baden since we from Bavaria have a lot to do there. My home is only 8 kilometers from the Baden frontier. I know nothing about any effects there. My wife a nd relatives are in Bavaria and we live together. I can not say that it had any effect sir.

Q. That is what this means doesn't it that the German employer can treat his Polish farmworker just as he pleases and that the unhappy farmworker has no right of complaint? Isn't that what it means?

A. Yes sir.

Q. Let's go on - No. 2. "The farmworkers of Polish nationality may not leave the localities in which they are employed, and have a curfew from 1 October to 31 March from 2000 hours to 0600 hours, and from 1 April to 30 September from 2100 hours to 0500 hours."

A. Those are police measures.

Q. I am not concerned with whose measures they are, but they were not the same measures as apply to the ordinary German citizen?

A. No they did not apply to the Germans.

Q. You see No. 3 prohibits the use of bicycles. No. 4 says that"the visit of churches, regardless of faith is strictly prohibited even when there are no services in progress. Individual spiritual care by clergymen outside of the church is permitted." Were the German farm workers prohibited from the use of bicycles and permitted to visit church?

A. No it was not forbidden to the Germans. Where I was the foreign nationals also visited the church.

Q. Now we will go on to the next one: "Visits to theaters, motion pictures or other cultural entertainment are strictly prohibited for farmworkers of Polish nationality.", and then the following paragraph p rohibits visits to restaurants except that they make one generous concession and permit them to visit one

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restaurant in the vicinity one day a week. Is that treating the Poles the same as the German farm labor?

A. No, I did not say that.

Q. No. 7 prohibits sexual intercourse. No. 8 says the "Gathering of farm-workers is prohibited, whether it is on other farms, in the stables or in the living quarters of the Poles." No. 9 prohibits the use of railroads, buses or any public conveyance. No. 10 prohibits them leaving their village except in exceptional cases, but "in no case may it be granted if he wants to visit a public agency on his own, whether it is a labor office or the District Peasants Association or whether he wants to change his place of employment." Why wasn't he allowed to visit the District Peasants Association?

A. I can only justify to the situation where I was and the way I know.

Q. Yes, but you have come and given evidence on behalf of the corps of political leaders generally and I understand that the Tribunal is to be asked to say on the strength of your evidence that P olish farmworkers were treated just like members of the German family they were living with?

A. That is what I have testified and that is true of the cases with which I am acq uainted.

Q . It is pretty obvious isn't it from this circular that those conditions were not obtaining in the Gau Baden?

A. I can only say what I could observe on the border. The matters which are enumerated here did not occur.

Q. Let's finish the matters which were occurring in Baden. First of all, again tell me why the Polish worker was not permitted to visit his District Peasants Association?

A. I have no idea why this procedure was used.

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Q. The District Peasants Association it says here was responsible for the care and welfare of the peasant?

A. Yes Sir.

Q. Let's go on to No. 11. It says "change of employment is strictly prohibited" and it concludes by saying: "There are no time limits to the working time."

A. It is not possible to put a limit on the working hours, even for the small farmer himself. The Germans too were prohibited from changing his place of employment.

Q. We will pass on from that, and let's pass on to the next: "Every employer has the right to give corporal punishment toward farmworkers of Polish nationality, if instructions and good words fail. The employer may not be held accountable in any such case by an official agency." Were employers permitted to use corporal punishment on their Germa n worker without being held accountable?

A. That has happened there too.

Q. Are you telling us that German employees could beat and flog their workmen without being held accountable by any official agency?

A. I think it happened there and I want to say that it has happened to the German worker too. If there was no complaint no one heard about it.

Q. And the Pole was not allowed to complain? It was expressly forbidden in this document wasn't it and he was not allowed to go tell the District Peasant Association?

A. I can only say that this is the first time I am made aware of this.

Q. And if he was being beaten and flogged he could not even change his employment; he had to go on and stay there being beaten and flogged?

A. Where I was whenever the employer or employee thought he had a right to complain he went to the Kreis Peasant Association. The Betriebscefolc-schlftsrat checked up on the things and whoever was right was given right.

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Q. Let's finish this. Look at No. 13: "Farmworkers of Polish nationality should if possible be removed from the community of the home, and they can be quartered in stables etc. No remorse whatever should restrict such action." It doesn't sound as though the polish employees might consider themselves as members of the farmer's family, does it?

A. I know that I can only repeat that in cases of which I know foreign labor participated in the house and ta ble community.

Q. Paragraph 14 gives the employer power to report those who show unwillingness to work or are impertinent. Such a Pole who is reported would serve a longer term imprisonment and the employer would receive another Pole in his place. It is a pretty one sided arrangement, isn't it? The employer can beat and change his Pole and send him to prison while the Pole can do nothing but sit down and take it and even is not allowed to take it?

A. It was like that in only a very few cases.

Q. You say only in a few cases. This is a directive issued to all Gau Baden lea ders isn't it?

A. I can only speak on the basis of my five years experience.

Q. Then if you look down at the next paragraph without a number, you will see that"extra rations are strictly prohibited"and that"noncompliance of the Reich tariffs for farmworkers of Polish nationality will be punished by the competent labor ~~office~~ office by the taking away of the worker."

A. I have testified here under oath regarding tariff that a great number of the workers was paid afcording to the previous tariff for wandering workers which p rovided for substantially higher wages than the Reichtariff mentioned here.

Q. That labor office referred to is that part of the DAF?

A. No, that is the State labor office.

Q. Well, turning from that for a moment, if those instructions are being issued

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in a Gau, the Gua leadder and Kreis Leader and the Ort sgruppen Leader are bound to know about those orders, aren't they?

A. In this case I do not believe so. I believe this to be a summary of directives which emanated from different offices previously.

Q. It doesn't matter where they originally emanated from, they are all being issued together and it is the Agrarpolitische Apparat on the Kreis leader's staff that would be responsible for informing his Kreis leader of the issuance of those orders, wouldn't it?

A. Yes, they have been advisers.

BY DR. LINK:

May I take a look at that document?

BY DR. LINK: REDIRECT EXAMINATION

Q. Witness, what was your position on the 6 March 1941?

A. In the Reich Food Estate or the party?

Q. In the Reich Food Estate and the Party?

A. In the Reich Food Estate, Chief of Section 3. In the Party in the Gau Mainfranken I was the Agrarpolitische Apparat Gau expert adviser.

Q. Are you acquainted with this directive of the 6 March 1941?

A. I did not know it.

Q. In aswer to a question during the direct examination whether you were acquainted with the pertinent directives regarding the treatment of Poles you have answered yes and you have further stated that in prattice in your landsbauernschaft Bavaria, one has not followed these directives. Is that correct?

A. Yes.

Q. If memory serves you right you have spoken of thousands of cases where you had the opportunity of becoming acq uainted with the treatment a nd

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employment of foreign male and female workers, is that correct?

A. Yes.

Q. Did you notice any change of the treatment of Polish workers before and after the 6 March 1941?

A. No.

Q. Is it correct that Polish farm workers have used bicycles before and after the 6 March 1941?

A. They went to work in the fields on bicycles if the fields were far away.

Q. Did the Polish farm worker gather in restaurants or any where else after the 6 March 1941?

A. Yes.

Q. The church too?

A. Yes.

Q. How many of the thousand of cases which you had an opportunity to observe, did you find the Polish farm workers living in stables whereas the German farm worker resided in a house, the living room or the kitchen?

A. Not in a single case.

Q. Is it correct that after the 6th March as well as before Polish farmworkers went to the farm office as well as the District association?

A. Yes, if they thought there was a cause for a complaint.

Q. In all of these cases you have transgressed against the directives?

A. I have stated previously there were several such things and in practical life nobody paid any attention to them.

Q. Have you distributed any such directives which the Landesbauernschaft received from anybody?

A. I can not recall having such a directive or decree received from the Landesbauernschaft Bavaria.

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Q. What has the Agrarpolitische to do with this directive addressed to the Kreisbauernschaften?

A. I have stated before the way I look at things here it has nothing to do with it whatsoever.

Q. You say here that the Agrarpolitische, which is to say the agricultural advisers have nothing to do with these matters pertaining to foreign males?

A. I do not understand the question, does it pertain to the Kreis Baden only?

Q. Was it part of the duties of the Ortsgruppen, Kreis and Gau expert advisers to pay attention to the care of foreign labor or did it pertain to the competency of the Kreisbauernschaften or the DAF or perhaps did it pertain to the State Labor office?

A. The care was a job for the Reich Food Estate exclusively.

BY COL. GRIFFITH-JONES:

I have no further questions and there are no charges against the Reich Food Estate.

BY THE COMMISSIONER:

The witness is excused.

(Recessed at 1520 hours)

The foregoing is a true and correct transcript of the testimony of JOHANN ADAM MOHR, taken on 3 July 1946.

Evelyn M. Roberts
Reporter (pp 1-11)

CERTIFIED TO :

Joseph F. Tubridy
Commissioner

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Q. I want you to look at a document. It is EC-68, US 205. I want you to follow me for a moment. That is a document dated 6 March 1941 from the Minister for Finance and Economy of Baden. Is that an office of theGau or is that a state office?

A. That is a state office.

Q. Under that it is State Food Office Dept. A. and then in brackets Landesbauernschaft, what is that?

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A. That is the organization which is for the Landesbauernschaft of the Reich Food Estate, in Baden.

Q. Is that a party organization, the Landesbauernschaft?

A. No, that is a corporation of Public Law.

Q. The letter goes to the Kreisbauernschaften?

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A. The Kreis peasand leader was not a member of the Kreis staff.

Q. But there was somebody on the Kreis staff who dealt with peasant matters?

A. Yes.

Q. Who was that?

A. That differed greatly as I explained previously.

Q. Perhaps you can say again who in fact would be on the Kreis staff who dealt with the Peasants Association?

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A. The Kreisbauernfuehrer took care of matters pertaining to the Kreisbauernschaften. He was appointed by the Landesbauernschaft leader not by the Kreis leader.

Q. But I want to know who it was on the Kreis Leader's staff who dealt with matters affecting the Kreisbauernschaften?

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Q. I think we are misunderstanding ourselves, I was not suggesting he

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was the superior; but as the Kreis leader agricultural expert on those matters he would be familiar with directives which concerned the Kreisbauerbschaften?

A. That might be assumed, but he had no official authority.

Q. I appreciate that, he was the expert. The adviser of the Kreis bauernschaft on matters pertaining to the Kreisbauernschaften. You will see that these directives refer also to farm workers as men. I'll read it again: "Below, I promulgate the individual regulations, as they have been laid down during the conference and how they are now to be applied accordingly: 1. Fundamentally, farmworkers of Polish nationality no longer have the right to complain, and thus no complaints may be accepted any more by any official agency." That means doesn't it that they can be treated just as the employer likes and can never complain?

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A. No it was not forbidded to the Germans. Where I was the foreign nationals also visited the church.

Q. Now we will go on to the next one: "Visits to theatres, motion pictures or other cultural entertainment are strictly prohibited for farmworkers of Polish nationality", and then the following paragraph prohibits visits to restaurants except that they make one generous concession and permit them to visit one restaurant in the vicinity one day a week. Is that treating the Poles the same as the German farm laborer?

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A. That is what I have testified and that is true of the cases with which I am acquainted.

Q. It is pretty obvious isn't it from this circular that those conditions were not obtaining in the Gau Baden?

A. I can only say what I could observe on the border. The matters which are enumerated here did not occur.

Q. Let's finish the matters which were occurring in Baden. First of all, again tell me why the Polish worker was not permitted to visit his District Peasants Association?

A. I have no idea why this procedure was used.

H1030 - 0019

Q The District Peasants Association it says here was responsible for the care and welfare of the peasant?

A Yes Sir.

Q Let's go on to No. 11. It says "change of employment is strictly prohibited" and it concludes by saying: "There are no time limits to the working time."

A It is not possible to put a limit on the working hours, even for the small farmer himself. The Germans too were prohibited from changing his place of employment.

Q We will pass on from that, and let's pass on to the next: "Every employer has the right to give corporal punishment toward farmworkers of Polish nationality, if instructions and good words fail. The employer may not be held accountable in any such case by an official agency." Were employers permitted to use corporal punishment on their German worker without being held accountable?

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Q And the Pole was not allowed to complain? It was expressly forbidden in this document wasn't it and he was not allowed to go tell the District Peasant Association?

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Q And if he was beaten and flogged he could not even change his employment; he had to go on and stay there being beaten and flogged?

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Q Let's finish this. Look at No. 13: "Farmworkers of Polish nationality should if possible be removed from the community of the home, and they can be quartered in stables etc. No remorse whatever should restrict such action." It doesn't sound as though the Polish employees might consider

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themselves as members of the farmer's family, does it?

A I know that I can only repeat that in cases of which I know foreign labor participated in the house and table community.

Q Paragraph 14 gives the employer power to report those who show unwillingness to work or are impertinent. Such a Pole who is reported would serve a longer term imprisonment and the employer would receive another Pole in his place. It is a pretty one sided arrangement, isn't it? The employer can beat and change his Pole and send him to prison while the Pole can do nothing but sit down and take it and even is not allowed to take it?

A It was like that in only a very few cases.

Q You say only in a few cases. This is a directive issued to all Gau Baden leaders, isn't it?

A I can only speak on the basis of my five years experience.

Q Then if you look down at the next paragraph without a number, you will see that "extra rations are strictly prohibited" and that "noncompliance of the Reich tariffs for farmworkers of Polish nationality will be punished by the competent labor office by the taking away of the worker."

A I have testified here under oath regarding tariff that a great number of the workers was paid according to the previous tariff for wandering workers which provided for substantially higher wages than the Reichtariff mentioned here.

Q That labor office referred to is that part of the DAF?

A No, that is the State labor office.

Q Well, turning from that for a moment, if these instructions are being issued in a Gau, the Gau leader and Kreis Leader and the Ortsgruppen Leader are bound to know about these orders, aren't they?

A In this case I do not believe so. I believe this to be a summary of directives which emanated from different offices previously.

Q It doesn't matter where they originally emanated from, they are all being issued together and it is the Agrarpolitische Apparat on the Kreis leader's staff that would be responsible for informing his Kreis leader of the issuance of these orders, wouldn't it?

A Yes, they have been advisers.

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BY DR. LINK:

May I take a look at that document?

REDIRECT EXAMINATION

BY DR. LINK:

Q Witness, what was your position on the 6 March 1941?

A In the Reich Food Estate or the party?

Q In the Reich Food Estate and the Party.

A In the Reich Food Estate, Chief of Section 3. In the Party in the Gau Main Franken I was the Agrarpolitische Apparat Gau expert adviser.

Q Are you acquainted with this directive of the 6 March 1941?

A I did not know it.

Q In answer to a question during the direct examination whether you were acquainted with the pertinent directives regarding the treatment of Poles you have answered yes and you have further stated that in practice in your landsbauernschaft Bavaria, one has not followed these directives. Is that correct?

A Yes.

Q If memory serves you right you have spoken of thousands of cases where you had the opportunity of becoming acquainted with the treatment and employment of foreign male and female workers, is that correct?

A Yes.

Q Did you notice any change of the treatment of Polish workers before and after the 6 March 1941?

A No.

Q Is it correct that Polish farm workers have used bicycles before and after the 6 March 1941?

A They went to work in the fields on bicycles if the fields were far away.

Q Did the Polish farm worker gather in restaurants or anywhere else after the 6 March 1941?

A Yes.

Q The church too?

A Yes.

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Q How many of the thousand of cases which you had an opportunity to observe, did you find the Polish farm workers living in stables whereas the German farm worker resided in a house, the living room or the kitchen?

A Not in a single case.

Q Is it correct that after the 6th March as well as before Polish farmworkers went to the farm office as well as the District association?

A Yes, if they thought there was a cause for a complaint.

Q In all of these cases you have transgressed against the directives?

A I have stated previously there were several such things and in practical life nobody paid any attention to them.

Q Have you distributed any such directives which the Landesbauernschaft received from anybody?

A I can not recall having such a directive or decree received from the Landesbauernschaft Bavaria.

Q What has the Agrarpolitische to do with this directive addressed to the Kreisbauernschaften?

A I have stated before the way I look at things here it has nothing to do with it whatsoever.

Q You say here that the Agrarpolitische, which is to say the agricultural advisers have nothing to do with these matters pertaining to foreign males?

A I do not understand the question, does it pertain to the Kreis Baden only?

A Was it part of the duties of the Ortsgruppen, Kreis and Gau expert advisers to pay attention to the care of foreign labor or did it pertain to the competency of the Kreisbauernschaften or the DAF or perhaps did it pertain to the State Labor office?

A The care was a job for the Reich Food Estate exclusively.

BY COL.GRIFFITH-JONES:

I have no further questions and there are no charges against the Reich Food Estate.

BY T E COMMISSIONER:

The witness is excused.

(Recessed at 1520 hours.)

H1030 – 0023

The foregoing is a true and correct transcript of the testimony of JOHANN ADAM MOHR, taken on 3 July 1946.

EVELYN M. ROBERTS
Reporter

CERTIFIED TO:

JOSEPH F. TUBRIDY
Commissioner